

BOSTON REDEVELOPMENT AUTHORITY

REPORT AND DECISION ON APPLICATION FOR APPROVAL
OF THE REDEVELOPMENT PROJECT LOCATED IN THE
SOUTH END URBAN RENEWAL AREA IN THE AREA GENERALLY
BOUNDED BY TREMONT STREET, WEST BROOKLINE STREET,
SHAWMUT AVENUE AND WEST DEDHAM STREET BY LUZ E. CUADRADO,
MARIO CLAVELL AND E.T.C. DEVELOPERS, INC., FOR VIVIENDAS
ASSOCIATES.

A. The Hearing. A public hearing was held at 2:30 P. M. on June 27, 1974, in the offices of the Boston Redevelopment Authority, (hereinafter called the "Authority"), at the New City Hall, Room No. 921, Boston, Massachusetts, by the Authority on an Application, (hereinafter called the "Application"), filed by Luz E. Cuadrado, Mario Clavell and E.T.C. Developers, Inc., for Viviendas Associates, (hereinafter called the "Applicants") for Authorization and Approval of a Redevelopment Project Under Chapter 121A of the General Laws of the Commonwealth of Massachusetts and Chapter 652 of the Acts of 1960, as amended, (hereinafter called the "Project"), due notice of said hearing having been given previously by publication on June 12, 1974 and June 19, 1974, in the Boston Herald-American, a daily newspaper of general circulation published in Boston, and mailing postage prepaid in accordance with Rule 8 of the Rules and Regulations of the Authority for Securing the Approval of Chapter 121A Projects, and in accordance with the provisions of Section 13 of Chapter 652 of the Acts of 1960, as amended. Robert L. Farrell, Chairman of the Authority, and Joseph J. Walsh, James G. Colbert, Paul J. Burns and James K. Flaherty, members of the Authority, were present throughout the hearing.

B. The Project. The Project consists of the construction, operation and maintenance by the Limited Partnership under Chapter 121A of approximately 181 apartment units and appurtenant facilities on seven (7) parcels of land in the South End Urban Renewal Area Project No. Mass. R-56. The Project location consists of Parcels 19A-1, 19A-2, 19A-3, 19A-4, 19A-5, 19A-6(a) and 19A-6(b), containing approximately 128,720 square feet. The premises on which the Project is to be located are hereinafter referred to as the "Project Area". The land is presently owned by the Authority. The Project is to be financed under Section 236 of the National Housing Act.

The Applicants propose to build the following structures and facilities on the Project Area:

There is to be constructed approximately 181 units of low and moderate income housing consisting of a six story building, (hereinafter referred to as "Plaza West"), ten structures comprised of attached three and four story townhouses, (hereinafter referred to as the "Townhouses"), and appurtenant facilities all in accordance with the terms of the South End Urban Renewal Plan and the terms of a proposed Contract between the Authority and the 121A Limited Partnership, a copy of which, with the Attachments, is filed herewith as Exhibit B. Plaza West, consisting of efficiency, one bedroom and two bedroom units, will have a masonry wall bearing and pre-cast concrete plank floor structural system with a brick exterior. The Townhouses are to have a light-gauge metal framing system with a stucco and brick veneer exterior and will provide units ranging in size from one to six bedrooms. Plaza West

will have space for community areas on the first floor available for use by all residents of the Project where laundry, lounge, day care and other community facilities can be established. Additional areas for the common use of all residents of the Project Area will include two playgrounds and a pedestrian mall equipped with lighting, benches and tables. Outdoor community areas will be landscaped and planted with trees and shrubs. The discontinuance of a major street running east to west through the center of the Project Area, and the construction by the City of two loop access streets into the Project will provide on-street parking space for the Project. In addition, two parking areas adjacent to the Townhouses and parking in the front and rear of Plaza West will provide on-site parking spaces. The makeup and design of the Project are fully shown on the Plans filed herewith as Exhibits G and H.

C. Authority Action. In passing upon the Application, the Authority has considered the Application itself, all Documents, Plans and Exhibits filed therewith or referred to therein, the oral evidence presented at the Hearing, the Exhibits offered in evidence at the Hearing and the arguments and statements made at the Hearing. The members of the Authority have also viewed the Project Area.

The Project, as defined in the Application, constitutes a Project within the meaning of Section 1 of Chapter 121A of the General Laws, providing, as it does, for the construction, operation and maintenance of decent, sanitary and safe residential buildings and appurtenant facilities.

D. Project Area Substandard, Decadent and Blighted Open. Pursuant to the adoption of the South End Urban Renewal Plan, Project No. Mass. R-56, adopted by the Authority on September 23, 1965, and approved by the City Council of the City of Boston on December 6, 1965, as amended, the parcels and buildings which now make up the Project Area were found to be substandard and decadent. Pre-existing structures have been demolished by the Authority pursuant to the Urban Renewal Plan. The sites have been vacant for several years and can now be fairly described, in addition, as "blighted open areas". More specifically, the location where the Project is proposed has been characterized by the presence of dwellings which by reason of severe dilapidation, defective sanitation facilities, and over-crowding have become detrimental to the safety, health, and morals, welfare and the sound growth of the surrounding community. The South End Urban Renewal Project Area, as a whole, had been characterized by the existence of a large number of buildings which were out of repair, physically deteriorated, unfit for human habitation, obsolete, or in need of major maintenance or repair. A degree of decline had occurred so that it had become improbable that the Area would be redeveloped by the ordinary operations of private enterprise.

These conditions warrant the carrying out of the Project in accordance with the legislative mandate contained in Chapter 121A of the General Laws and the Application constitutes a Project within the meaning of that law. The purposes of Chapter 121A and Chapter 652 of the Acts of 1960 will be met by this Project. The demand for decent,

safe and sanitary housing for persons and for families at rentals below those which the conventional operations of the real estate market produces is, is a matter of common knowledge, intense in this area of the City. Construction of substantial and handsome structures will serve to alleviate this intense demand and will, in addition, encourage the conservation and improvement of an Area of a substantial number of dwellings located adjacent to the Project Area. The Project will provide adequate financial return to the City of Boston. Exhibit E of the Application sets forth the amounts to be paid by agreement to the City of Boston in addition to the excise tax prescribed by Section 10 of Chapter 121A. In summary, this agreement provides that the Applicant will pay approximately 15% of the gross rents of the Project on account of taxes in each of the forty (40) calendar years next following the year 1974.

E. Cost of the Project. In the opinion of the Authority, the cost of the Project has been realistically estimated in the Application and the Project is practicable. The estimated cost is \$5,329,444.00. The Project is to be built under mortgage insurance and interest subsidy furnished by the U. S. Department of Housing and Urban Development ("HUD") under Section 236 of the National Housing Act of 1949, as amended. This Program provides interest subsidies which produce an effective interest rate of 1% per year over a period of 40 years. Under FHA Regulations, an irrevocable mortgage commitment will not be issued until after completion of Working Drawings and Specifications. All funds which will be required in addition to those expected to be obtained from HUD under the 236 Program will be paid

from other sources including capital contributions to Viviendas Associates by the Partners therein. The Application contains a form of Partnership Agreement illustrating, in a general fashion, the organizational framework of the Partnership, to be called Viviendas Associates. Experience with similar financing and organizational methods persuades the Authority that the financial program is realistic.

F. Consistency with Master Plan. As stated in Chapter X, Section 1001 of the South End Urban Renewal Plan, "This Urban Renewal Plan is in conformity with the General Plan for the City of Boston and with its Program for Community Improvements".

G. Effect of the Project. The Project will not be in any way detrimental to the best interests of the public or the City or to the public safety or convenience or be inconsistent with the most suitable development of the City. The Project will, in fact, forward the best interests of the City and will constitute a public use and benefit. The structures to be erected under the Project have been reviewed by Design Review Staff of the Authority and, pursuant to the proposed Land Disposition Agreement, are subject to further Design Review. The Authority finds that they will enhance the general appearance of the Area and furnish attractive and necessary living accommodations. The location proposed is excellent for housing, having ready access to public transportation.

The carrying out of the Project will not in itself involve the destruction or alteration of any existing structures nor, in any way, the displacement of any persons from their present dwellings.

The Project Area does not include land within any location approved by the State Department of Public Works for the extension of the Massachusetts Turnpike into the City of Boston.

H. Environmental Considerations. Conformably with the provisions of Section 62 of Chapter 30 of the General Laws (as inserted by Chapter 781 of the Acts of 1972), and the Regulations thereunder as adopted by the Authority on April 11, 1974, the Authority has made an environmental examination which contains, among others, the following findings:

1. The Project does not adversely affect any recreational areas or any aesthetic values in the surrounding area.
2. No natural or man-made places are affected by the Project.
3. The Project affects no archeological structure or site.
4. The Project does not affect the potential use, extraction, or conservation of a scarce natural resource.
5. The Project Area is urban, and therefore, does not serve as a habitat for wild life.
6. Being urban, the Project has no impact on any wilderness areas.
7. The Project will require deviations from the Zoning Code of the City of Boston as further detailed herein, but not in such manner as will cause damage to the environment.
8. The Project does not require certification, authorization or issuance of a permit by any local, State or Federal environmental control agency. However, the Applicant has submitted an Environmental

Impact Statement to HUD, which must approve the Project.

9. The Project does not involve the disposal of potentially hazardous materials.

10. The Project does not involve the construction of facilities in a flood plain.

11. The Project, except necessarily during the construction phase, does not result in the generation of a significant amount of noise.

12. The Project does not result in a deleterious effect on the quality of any portion of the State's air or water resources.

13. The Project does not affect an area of important scenic value. The Project does affect an area with significant architectural attributes but is designed harmoniously with those attributes.

Therefore, the Authority concludes that the Project will not cause any environmental damage and, in its opinion, no further Reports need to be filed.

As a result of the investigation and Report of the Authority staff and of its own knowledge, the Authority hereby determines that the Project will not cause significant environmental damage and that the Secretary of the Authority be instructed to file such with said Executive Office of Environmental Affairs; its Report and finding in accordance with the Authority's Rules and Regulations.

I. Minimum Standards. The minimum standards for financing, construction, maintenance, and improvement of the Project, as set forth in Exhibit D filed with and attached to the Application, are hereby adopted and imposed as Rules and Regulations (in addition to

those hereinafter adopted and imposed) applicable to this Project for the same period as the Project is subject to the provisions of Chapter 121A of the General Laws and Chapter 652 of the Acts of 1960, as amended.

In addition to the minimum standards set forth in Exhibit D, the Authority hereby requires that the Applicant, prior to obtaining a building permit, (1) enter into a Regulatory Agreement with the Authority pursuant to the requirements of General Laws, Chapter 121A, Section 18C and containing such other terms and conditions as the Authority may in its discretion deem necessary and appropriate; (2) submit to the Authority for its review and approval such Plans and Specifications for the Project as the Authority may require, and accept such changes and modifications thereto as the Authority may deem necessary or appropriate; and (3) adhere to such Design Review Controls and Requirements as the Authority may in its discretion impose.

The carrying out of the Project will not require the erection, maintenance, and use of a garage within 500 feet of one or more buildings occupied in whole or in part as a public or private school having more than 50 pupils, or as a public or private hospital having more than 25 beds, or as a Church.

The Project does not involve the construction of units which constitute a single building under the Boston Building Code and Zoning Law.

J. Zoning Deviations. Exhibit C filed with and attached to the Application lists the Zoning Deviations. For the reasons set forth

in the Application and supporting Documents, including said Exhibit C, and on the basis of the evidence presented at the Hearing, and in this Report, the Authority hereby finds that each and every one of the permissions hereinafter granted is reasonably necessary for the carrying out of the total Project and may be granted without substantially derogating from the intent and purposes of the applicable Laws, Codes, Ordinances and Regulations, respectively.

In summary, the Zoning Deviations from which permission is sought, are as follows:

Article 18 Traffic Visibility Across Corner

With respect to Parcel 19a-4, permission to construct a structure higher than two and one half feet above the height of the curb of the abutting streets within the triangular area specified in Section 18-3. A corner of the structure proposed to be built near the intersection of West Canton Street and Shawmut Avenue on said Parcel 19a-4 is to be within the specified triangular area.

Article 23 Parking

(a) Permission to deviate from the requirement under Section 23-1 of 24 parking spaces for the residential use proposed for Parcel 19a-2. A total of 22 on street parking spaces will be provided on two loop access streets into the Project Area adjacent to the housing units to be constructed on said parcel.

(b) Permission to deviate from the requirement under Section 23-1 of 44 parking spaces for the residential use proposed for Parcel 19a-5. A total of 32 on-site parking spaces are proposed for this parcel -- 23 spaces in a lot in the rear of the structure to be built at that location and 9 spaces on

a private access drive into the Project Area adjacent to the proposed building.

With respect to 3 parcels in the Project Area, however, parking spaces in excess of the number of spaces required under Section 23-1 will be provided as follows:

Parcel 19a-1 --- 12 spaces when 7 are required

Parcel 19a-4 --- 9 spaces when 3 are required

Parcel 19a-6 --- 16 spaces when 11 are required

In sum, 16 spaces in excess of zoning requirements are provided on the other parcels in the Project Area.

In summary, the Building Deviations from which permission is sought, are as follows:

Section 618 Interior Exitway Stairways

(a) Permission to provide continuous guards and handrails on one side of interior exitway stairways in the townhouses instead of on both sides as required under Section 618.5. HUD Minimum Property Standards for Multiple Family Dwellings would require guards and handrails on only one side for the type of interior exitway stairways in question.

(b) Permission to construct interior exitway stairways and enclosures in the four story townhouses with some combustible materials instead of constructing the same entirely of noncombustible material as required in Section 618.9.3. It is proposed to construct hardwood interior exitway stairways with wood handrails and guards in the four story townhouses. The exposed surface of walls in these stairways, however, will be fire resistant gypsum wall board.

Section 621 Exterior Exitway Stairways

(a) Permission to construct exterior exitway stairways without roofs for the townhouses if roofs may be deemed to be required under Section 621.1 for

type of exterior stairs proposed. Single flight, exterior exitway stairways without roofs are planned for the front and rear of the townhouses.

(b) Permission to construct exterior exitway stairways in structures over two stories in height with combustible materials instead of entirely noncombustible materials as required in Section 621.5. It is proposed to construct single flight, wooden exterior stairways in the rear of 3 and 4 story townhouses.

Section 859 Enclosure Walls

Permission to forego construction of gutters and downspouts on the exterior walls of the proposed townhouses as required in Section 859.3.

Section 217 Exterior Walls

Permission to construct exterior bearing walls for the townhouses with a fire resistance rating of 2 hours on the exterior exposure and 3/4 of an hour on the interior exposure, in accordance with the plans and specifications filed herewith.

MEMORANDUM

AUGUST 15, 1974

TO: BOSTON REDEVELOPMENT AUTHORITY
FROM: ROBERT T. KENNEY, DIRECTOR
SUBJECT: SOUTH END URBAN RENEWAL AREA PROJECT NO. MASS. R-56
VIVIENDAS ASSOCIATES
DISPOSITION PARCELS 19A-1, 19A-2, 19A-3, 19A-4, 19A-5,
19A-6(a) AND 19A-6(b)
APPROVAL OF 121A REPORT AND DECISION AND
STATEMENT OF POSITIVE ENVIRONMENTAL IMPACT

On June 27, 1974, a public hearing was held for Approval of the Formation of Viviendas Associates pursuant to Chapter 121A of the General Laws of Massachusetts.

The Applicants sought consent for the formation of a Limited Partnership which entity would develop a six story building, and ten structures comprised of attached three and four story townhouses for a total of 181 units of low and moderate income housing on the above-captioned Parcels to be financed under the Section 236 Program.

The Authority Staff has also made inquiry into the Environmental Impact of the Project pursuant to Sections 61 and 62 of Chapter 30 of the Massachusetts General Laws. The proposal of Viviendas Associates has thus been examined both as to its Environmental Impact and as to its 121A criteria and is found fully acceptable.

It is therefore appropriate at this time that the Authority adopt the Report and Decision for Viviendas Associates and approve the Project as having no significant negative Environmental Impact.

An appropriate Vote is attached.

Attachment

